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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION  
12

13 UNITED STATES OF AMERICA,	)	<b>CASE NO. CR 19-496 WHA</b>
	)	
14 Plaintiff,	)	<b>DETENTION ORDER</b>
	)	
15 v.	)	
	)	
16 OWEN DUNN,	)	
	)	
17 Defendant.	)	

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18  
19 On October 1, 2019, defendant Owen Dunn was charged by indictment with one count of  
20 possession with intent to distribute and distribution of heroin, and one count of possession with intent to  
21 distribute cocaine, in violation of Title 21 United States Code Sections 841(a)(1) and (b)(1)(C).

22 This matter came before the Court on December 20, 2019 for a detention hearing, after the  
23 defendant identified a potential surety. The defendant was present and in custody and represented by  
24 Attorney Manisha Daryani. Assistant United States Attorney Aseem Padukone appeared for the  
25 government. The government moved for detention, and the defendant opposed. At the hearing, counsel  
26 submitted proffers and arguments regarding detention.

27 Upon consideration of the facts, proffers and arguments presented, and for the reasons stated on  
28 the record, the Court finds by a preponderance of the evidence that no condition or combination of

1 conditions will reasonably assure the appearance of the defendant as required and by clear and  
2 convincing evidence that no condition or combination of conditions will reasonably assure the safety of  
3 the community. Accordingly, the defendant must be detained pending trial in this matter.

4       The present order supplements the Court's findings and order at the detention hearing and serves  
5 as written findings of fact and a statement of reasons as required by Title 18, United States Code,  
6 Section 3142(i)(1). As noted on the record, the Court makes the following findings as the bases for its  
7 conclusion: Due to the defendant's prior felony convictions, including on weapons and drug distribution  
8 charges; his prior violation of supervised release; his being on supervised release when the current  
9 alleged offenses happened; his history of failing to appear for court proceedings; and his prior  
10 conviction for escaping from jail, the Court finds by a preponderance of the evidence that no condition  
11 or combination of conditions will reasonably assure the appearance of the defendant as required and by  
12 clear and convincing evidence that no condition or combination of conditions will reasonably assure the  
13 safety of the community. The Court appreciates that the defendant's fiancé has offered to be a co-signer  
14 on a bond. However, the Court has concerns that she misstated her criminal history to Pretrial Services  
15 and misstated how long the defendant has been living with her. In addition, the current alleged offenses  
16 happened while the defendant was residing with her, so it does not appear that she is a sufficient positive  
17 influence on him. These findings are made without prejudice to the defendant's right to seek review of  
18 defendant's detention, or file a motion for reconsideration if circumstances warrant it.

19       Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

20       1.       The defendant be, and hereby is, committed to the custody of the Attorney General for  
21 confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving  
22 sentences or being held in custody pending appeal;

23       2.       The defendant be afforded reasonable opportunity for private consultation with counsel;  
24 and

25       3.       On order of a court of the United States or on request of an attorney for the government,  
26 the person in charge of the corrections facility in which the defendant is confined shall deliver the  
27 defendant to an authorized United States Marshal for the purpose of any appearance in connection with a  
28 court proceeding.

1 IT IS SO ORDERED.

2  
3 DATED: December 23, 2019

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HONORABLE THOMAS HIXSON  
United States Magistrate Judge